

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARTINEZ AYTCHE,)
Plaintiff,) 03:04-CV-00140-LRH (VPC)
v.) C/A No.: 05-17382
JACKIE CRAWFORD, et al.,)
Defendants.)

)

The Ninth Circuit has referred this matter to this court for the limited purpose of determining whether Martinez Aytch’s appeal has been taken in good faith or is frivolous. 28 U.S.C. § 1915(a)(3) provides that “[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” In reviewing the record in this matter, the court finds that this appeal is taken in good faith. It is possible that a reasonable jurist would disagree with the court’s conclusion that Gilbert Chavez’s actions did not amount to an excessive use of force.

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1 For this reason, the court hereby CERTIFIES that Martinez Aytch's appeals was taken in GOOD
2 FAITH.

3 IT IS SO ORDERED.

4 DATED this 27th day of January, 2006.



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7 LARRY R. HICKS
8 UNITED STATES DISTRICT JUDGE
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